

85<sup>th</sup> Legislative Session – 2010

Committee: Senate Agriculture and Natural Resources

Thursday, February 04, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Bradford  
P Garnos  
P Hansen (Tom)  
P Howie, Vice-Chair  
P Kloucek  
P Maher  
P Peterson  
P Vehle  
P Rhoden, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Larry Rhoden, Chair.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 2, 2010

Moved by: Howie  
Second by: Garnos  
Action: Prevailed by voice vote.

SB 127: ensure certain rights related to the marketing of products, commodities, and livestock.

Presented by: Senator Ryan Maher  
Craig Shaver, Self, Sturgis  
Proponents: Bill Kluck, Self, Mud Butte  
Jeremiah M. Murphy, SD Stockgrowers  
Luke Temple, Dakota Rural Action  
Opponents: Matt McCaulley, SD Corn Growers Association  
Nathan Sanderson, Department of Agriculture

Kathleen Zander, SD Agri-Business Association  
Kathleen Zander, SD Grain and Feed Assn

MOTION: DEFER SB 127 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Hansen (Tom)  
Second by: Vehle  
Action: Prevailed by roll call vote. (6-2-1-0)

Voting Yes: Garnos, Hansen (Tom), Howie, Peterson, Vehle, Rhoden

Voting No: Bradford, Maher

Excused: Kloucek

HB 1014: define trophy and nontrophy antelope, mule deer, white-tailed deer, and elk, and establish court-imposed, criminal fines for the unlawful taking of trophy animals.

Presented by: Representative Charles Hoffman  
Opponents: Tony Leif, Department of Game, Fish and Parks  
Matt Rippentrop, Self (Handout: 1)  
Dan Hight, Self  
Robert Barden, SD Bow Hunters, Pierre

MOTION: AMEND HB 1014

1014ta

On page 2, line 20, of the House engrossed bill, delete "~~civil damages court-imposed, criminal fines~~" and insert "civil damages".

On page 2, line 21, delete "~~civil damages court-imposed, criminal fines are not more than~~" and insert "civil damages are".

On page 2, line 23, delete "not more than".

On page 2, line 24, delete "not more than".

On page 3, line 1, delete "not more than".

On page 3, line 2, delete "~~not more than~~ two hundred dollars for each paddlefish; not more

than" and insert "two hundred dollars for each paddlefish;"

On page 3, line 3, delete "not more than".

On page 3, line 6, delete "~~damages~~ finer" and insert "damages".

On page 3, after line 16, insert:

"

Section 4. That § 41-1-5.2 be amended to read as follows:

41-1-5.2. The liquidated damages provided for in this chapter and taxable costs may be collected by the Department of Game, Fish and Parks in a civil suit brought by it, in the name of the State of South Dakota, against the person claimed to be liable therefor. Conviction of a criminal offense for the same incident leading to the charges specified in § 41-1-5.1 is prima facie evidence of the defendant's civil liability. Failure to obtain conviction on a criminal charge is not a bar to a separate civil action for such liquidated damages.

The department, collecting such liquidated damages and taxable costs for wild animals other than trophy antelope, trophy mule deer, trophy white-tailed deer, and trophy elk as defined in section 1 of this Act, shall deposit them in the Department of Game, Fish and Parks fund. Any other public agency or department of the state, collecting liquidated damages and taxable costs for wild animals other than trophy antelope, trophy mule deer, trophy white-tailed deer, and trophy elk as defined by section 1 of this Act, shall remit the moneys collected, less the agreed collection fee, to the state treasurer who shall deposit them in the Department of Game, Fish and Parks fund.

From the civil damages collected for each trophy antelope, trophy mule deer, trophy white-tailed deer, and trophy elk as defined in section 1 of this Act, an amount equal to the liquidated damages for a nontrophy antelope, nontrophy mule deer, nontrophy white-tailed deer, or nontrophy elk as defined in section 2 of this Act, as the case may be, shall be deposited in the Game, Fish and Parks fund with the excess to be deposited in the general fund of the school district in which the trophy animal was illegally taken.

The judgment and liquidated damages may be collected by an agent. Fees to agents authorized to collect on a judgment under this section may not exceed fifty percent of the total amount collected. With approval of the department, agreed collection fees may be deducted from the moneys collected when remitted or may be paid on warrants drawn by the state auditor on itemized vouchers approved by the secretary of game, fish and parks and submitted simultaneously with the moneys collected."

Moved by: Peterson  
Second by: Hansen (Tom)

Action: Prevailed by voice vote.

MOTION: DO PASS HB 1014 AS AMENDED

Moved by: Vehle

Second by: Garnos

Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Bradford, Garnos, Hansen (Tom), Howie, Maher, Peterson, Vehle, Rhoden

Excused: Kloucek

MOTION: AMEND TITLE OF HB 1014

1014tta

On page 1, line 2, of the House engrossed bill, delete "court-imposed, criminal fines" and insert "civil damages".

Moved by: Garnos

Second by: Hansen (Tom)

Action: Prevailed by voice vote.

HB 1015: repeal the imposition of the five dollar surcharge on mentored youth big game hunting licenses.

Presented by: Tony Leif, Department of Game, Fish and Parks

MOTION: DO PASS HB 1015

Moved by: Hansen (Tom)

Second by: Garnos

Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Bradford, Garnos, Hansen (Tom), Howie, Kloucek, Maher, Peterson, Vehle, Rhoden

MOTION: PLACE HB 1015 ON CONSENT CALENDAR

Moved by: Hansen (Tom)

Second by: Peterson

Action: Prevailed by voice vote.

SB 151: provide for a study of the feasibility of establishing an equine processing facility and to make an appropriation therefor.

Presented by: Senator Frank Kloucek (Handouts:2, 3)  
Opponents: Kim Olson, Department of Tourism and State Development  
Nathan Sanderson, Department of Agriculture

MOTION: DO PASS SB 151

Moved by: Peterson  
Second by: Bradford  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 151 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Garnos  
Second by: Hansen (Tom)  
Action: Prevailed by roll call vote. (6-2-1-0)

Voting Yes: Garnos, Hansen (Tom), Maher, Peterson, Vehle, Rhoden

Voting No: Bradford, Kloucek

Excused: Howie

MOTION: ADJOURN

Moved by: Vehle  
Second by: Garnos  
Action: Prevailed by voice vote.

Cindy Louder  
Committee Secretary

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Larry Rhoden, Chair